

PUBLICATION UPDATE

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Bender’s Immigration Regulations Service

Publication 695 Release 255 May 2023

HIGHLIGHTS

DEVELOPMENTS

- Release 255 of Bender’s Immigration Regulations Service includes regulatory changes published in the Federal Register from September 21, 2022 through January 30, 2023.
- The release also adds 29 CFR Parts 500–501 and 503, concerning the Migrant and Seasonal Agricultural Worker Act and enforcement of contracts for H-2A and H-2B work.

- Release 255 updates the regulations in light of the following main final and temporary rules: DHS’s *Asylum Application, and Employment Authorization*

for Applicants; Implementation of Vacatur, 87 FR 57795 (Sept. 22, 2022, effective Feb. 7, 2022, due to a district court’s vacatur order). Affected are 8 CFR §§ 208.3, 208.7, 208.10, 274a.12, 274a.13, 274a.14.

- DOL’s *Temporary Agricultural Employment of H-2A Nonimmigrants in the United States*, 88 FR 61660 (Oct. 12, 2022, effective Nov. 14, 2022), revamping 20 CFR Part 655, Subpart B (on H-2A labor certification) and 29 CFR Part 501,

added to this publication. Part 501 is now titled “Enforcement of Contractual Obligations for Temporary Agricultural Workers Admitted Under Section 218 of the Immigration and Nationality Act.”

- DHS’s *Period of Admission and Extensions of Stay for Representatives of Foreign Media Seeking To Enter the United States*, 88 FR 61959 (Oct. 12, 2022), dealing with nonimmigrants from China, amending 8 CFR § 214.2.
- DHS’s *Readability Changes for Special Requirements for Admission, Extension, and Maintenance of Nonimmigrant Status*, 87 FR 62721 (Oct. 17, 2022), adding synopses/tables of contents in 8 CFR § 214.2.
- DHS’s *Removal of Obsolete Procedures and Requirements Related to F, J, and M Nonimmigrants*, 87 FR 75891 (Dec. 12, 2022), cleaned up some of the anachronisms in 8 CFR §§ 214.1, 214.2, 214.3, 214.4, 214.12 (removed), and 214.13. The changes were so extensive that the electronic CFR found it impossible to determine what some of the instructions were trying to change.
- DHS and DOL’s *Exercise of Time-Limited Authority To Increase the Numerical Limitation for FY 2023 for the H-2B Temporary Non-agricultural Worker Program and Portability Flexibility for H-2B Workers Seeking To Change Employers*, 87 FR 76816 (Dec. 15, 2022). Amendments to 8 CFR §§ 214.2, 274a.12 are effective from December 15, 2022, through December 15, 2025. The replacement 20 CFR § 655.65 is effective from December 15, 2022, through September 30, 2023. The new 20 CFR § 655.67 is effective from December 15, 2022, through September 30, 2026. Technical corrections, affecting only 8 CFR § 214.2, were

published at 87 FR 77979 (Dec. 21, 2022).

- DHS and DOJ's *Security Bars and Processing; Delay of Effective Date*, 87 FR 79789 (Dec. 28, 2022), delayed the effective date of a final rule published in December 2020 until December 31, 2024. It may be delayed farther after comments are reviewed. The 2020 rule covered 8 CFR §§ 208.13, 208.16, 208.30, 235.6, 1003.42, 1208.13, 1208.16, 1208.30, 1235.6.
- DHS's *Civil Monetary Penalties Adjustments for Inflation*, 88 FR 2175 (Jan. 13, 2023), affecting 8 CFR §§ 270.3, 274a.8, 274a.10,

280.53 in this publication.

- DOL's *Federal Civil Penalties Inflation Adjustment Act Annual Adjustments for 2023*, 88 FR 2210 (Jan. 13, 2023), shown at 20 CFR §§ 655.620, 655.801, 655.810; 29 CFR §§ 500.1, 501.19, 503.23.
- DOJ's *Civil Monetary Penalties Inflation Adjustments for 2023*, 88 FR 5776 (Jan. 30, 2023), shown in footnotes to 28 CFR 68.52.

Also updated are:

- the Poverty Guidelines in Title 42 and
- 8 CFR § 214.2's lists of countries whose nationals are eligible for H visas and whose F-1 students may receive emergency work authorization.

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Publication 695 Release 255

May 2023

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